FARAD CONTINUATION SHEET NO:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.677 OF 2005
IN
SECOND APPEAL NO.5 OF 1991

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.G.Deshmukh for the applicant.
Mr.Satyajeet A.Rajeshirke for respondent nos.1, 3 to 8.
Mr.S.J.Railkar for respondent no.2A.

CORAM: D.B.BHOSALE, J.
DATED: 27TH SEPTEMBER, 2007

P.C.:

. Heard learned counsel for the parties.

2. This application is filed for bringing on record the heirs and legal representatives of deceased respondent no.2 in second appeal No.5 of 1991. The second appeal had been disposed of long back and against the judgment of this court a Special Leave Petition (S.L.P.) was filed in the Supreme Court and the S.L.P. had also been dismissed on 29.7.2005. In this backdrop the present application cannot be and need not be allowed. However, it will be open for the applicants to file similar application in the execution proceedings, bringing it to the notice of the executing Court all the facts including the one that the S.L.P.

was filed by the heirs of the deceased respondent no.2 against the judgment of this court. If such application is filed the executing Court shall pass appropriate orders on the said application after giving an opportunity of being heard to both the sides. All contentions of the parties are kept open. With these observations the civil application is disposed of.

(D.B.BHOSALE, J.)